

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

HERMAN TOWNSEND,

Plaintiff,

V.

WARDEN C. HINSLEY,et al.,

Defendants.

Civil No. **03-237-JLF**

ORDER

PROUD, Magistrate Judge:

Before the Court is Defendant George’s Motion to Vacate the Entry of Default (**Doc.**
109).

Fed. R. Civ. P. 55(c) permits the Court to set aside an entry of default prior to judgment. Defendant must establish good cause for the default, quick action to correct the default, and a meritorious defense. *Breuer Electric Manufacturing Company v. Toronado Systems of America*, 687 F.2d 182, 185 (7th Cir. 1982).

The Court finds that defendant has established good cause for his failure to file an answer, as set forth in his memorandum, Doc. 110. He has requested representation by the Office of the Attorney General. He has acted quickly to correct the default. Lastly, he has raised a meritorious defense.

Upon consideration and for good cause shown, Defendant George's Motion to Vacate the Entry of Default (**Doc. 109**) is **GRANTED**.

The Clerk's entry of default (**Doc. 100**) is **VACATED**.

Defendant George is granted additional time, up to and including **January 23, 2006**, in

which to file a responsive pleading.

IT IS SO ORDERED.

DATE: December 23, 2005.

s/ Clifford J. Proud
CLIFFORD J. PROUD
U.S. MAGISTRATE JUDGE